

Exxon Mobil  
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95060060

Minor Modification – Issued 11/10/2022  
USEPA Review ended – 11/4/2022  
Date this Petition submitted – 11/14/2022

C23D32 is a private and anonymous investigative watchdog group that monitors IEPA leadership behaviors and actions for abuse and corruption of authority.

Pursuant to the Clean Air Act, C23D32 is petitioning the Administrator of the USEPA to object to the Title V minor modification proposed for issuance by IEPA for the Exxon Mobil facility on September 20, 2022 and issued on November 10, 2022. C23D32 explained deficiencies in the proposed Permit in comments to USEPA on October 2, 2022 (shown at bottom of this email).

The USEPA states on their webpage explaining the Title V petition process that anyone can petition the USEPA to object to any permitting authority action (initial, modification, renewals and reopenings). They go on to state that this includes minor modifications. The only criteria is that the petition be timely (within 60 days after the end of USEPA objection period on a proposed permit) and based on comments submitted to the permitting authority.

Comments were submitted to the USEPA on this minor modification regarding the testing requirements that were modified to relax twice a permit term critical testing of a barge loading operation. Condition 4.3.2(a)(ii)(C) This is problematic because the IEPA intentionally squeezes changes to periodic monitoring into the minor modification bucket to avoid public notice and comment so that the public has no ability to even know what this nefarious and deceptive Agency is doing. Pandering to industry rather than protecting its citizens.

Illinois makes it almost impossible to participate in minor modifications because it is not transparent with the public in its permitting actions or its materials used to justify its permitting actions. This petition is legitimate because C23D32 submitted comments to USEPA to object to this minor modification and have IEPA resubmit as a significant modification so that the public could properly comment and a proper response justifying the change. As has been indicated in C23D32 comments on several permitting actions by the IEPA, apparently some opinionated bureaucrats believe they are above the law and can simply do what they please given the silence on this permitting action.

In this instance of Exxon Mobil, the USEPA has colluded with this corrupt IEPA and participated as an accessory by remaining silent to the comments and providing no response whatsoever forcing C23D32 to submit a petition to object in order to be given a proper response before deciding whether a petition to object is warranted. This is abusive and wasteful government resources.

Exxon Mobil asked the IEPA to delete critical testing twice per permit term on a barge loading operation. This are not minor modification changes.

The following are all reasons why the permitting action must be objected to by the USEPA because it did not meet the criteria for a minor modification. And, because apparently the USEPA doesn't even look at comments to them on minor modifications and blows off the public just like this IEPA. Hopefully, some higher level USEPA will slap down this Region V people who ignored the comments and refused to even investigate.

Petition Claim #1 – Minor modification in an EJ community without outreach in violation of the IEPA EJ Practices and Policies. The public was not given the opportunity to comment on this gross relaxation of testing allowing the facility to test only once per permit term. The policy (available on IEPA website) states that permitting transactions that trigger significant public interest will be provided with outreach. C23D32 considers the relaxation of a critical air pollution control device test requirement to be of significant public interest. This is a discriminatory and hostile action that has been taken against an already overburdened community.

Petition Claim #5 – The testing deletion that was granted in this permit is the most disgusting act this Agency could do to an EJ community and whoever is letting these discriminatory violations of decent human rights needs to be told they can no longer act passively aggressive through a government agency to further their personal bigoted beliefs. And, apparently this is not just someone at this IEPA but also this USEPA Region V who is supposed to be overseeing this corrupt IEPA and being role model for the Permitting State.

USEPA has stated “the unavailability during the public comment period of information needed to determine applicability of or to impose an applicable requirement may also result in a deficiency in the permit’s content.” (Cash Creek Generation, LLC, Louisiana Pacific Corporation, WE Energies Oak Creek Power Plant, Alliant Energy-WPL Edgewater Generating Station). C23D32 was denied opportunity to comment on the changes asked for by Exxon Mobil and could not have submitted meaningful comments during the public comment period because the IEPA never afforded a public comment period on these significant changes to the permit. Because changes were never disclosed or discussed in a statement of basis and because the permit record provides no support the changes cannot have a basis in application documents or in response to comments. USEPA must object to the Exxon Mobil minor modification for IEPA’s failure to provide proper public notice and opportunity to comment on the relaxation of testing requirements intended to demonstrate compliance with numerous VOM limits. The complete lack of transparency with permit materials that the modification is supposedly based on is yet another failure. The complete disregard for opportunity to comment is even another fault that IEPA continues to commit to the destruction of overburden and underserved communities.

As well, these government entities must be responding to comments as part of the final agency action. USEPA Region V has failed to be responsive to comments submitted to them and went ahead and allowed for issuance of permit to Exxon Mobil without objection and without reason for not objection.

This is clear violation of procedure that mandates automatic objection and return to this IEPA for redo.

There is no basis in the permit record to support these changes as a minor modification. There is no basis in the non-response by USEPA Region V to support no objection. For the reasons stated C23D32 requests for that USEPA object to the Premcor Alsip minor modification.

This petition to object has been submitted to the following by email.

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